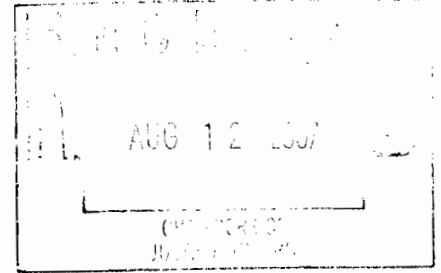
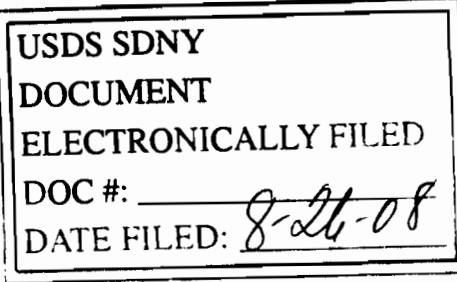


PROSKAUER ROSE LLP
Sally L. Schneider
1585 Broadway
New York, New York 10036
(212) 969-3803



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
TRUSTEES of the MASON TENDERS
DISTRICT COUNCIL WELFARE FUND,
PENSION FUND, ANNUITY FUND and
TRAINING PROGRAM FUND,

Plaintiffs,

- against -

FIRST CHOICE CONSTRUCTION SERVICES, INC.,

Defendant.
-----X

08 Civ. 4333 (VM)

DEFAULT JUDGMENT

This action having been commenced by the filing of a summons and complaint on May 8, 2008, and true copies of the summons and complaint having been served upon defendant First Choice Construction Services, Inc. on May 13, 2008 by Deborah LaPointe, a licensed process server, by service upon Donna Christie, an agent of the Secretary of State of the State of New York, pursuant to section 306 of the Business Corporation Law of the State of New York, and proof of service having been filed with the Court on May 19, 2008, and said defendant having failed to answer, appear or otherwise defend in this action within the time permitted by law, there is no just reason to delay the entry of a judgment by default against defendant First Choice Construction Services, Inc.

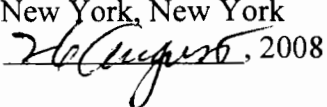
NOW, on motion of Proskauer Rose LLP, attorneys for plaintiffs, by Sally L. Schneider, Esq., it is

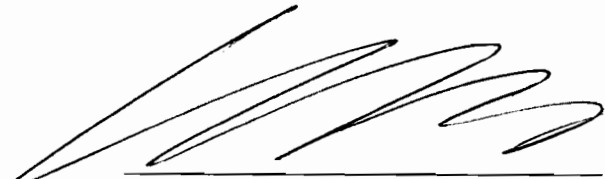
ORDERED AND ADJUDGED, that plaintiffs Mason Tenders District Council Welfare Fund, Pension Fund, Annuity Fund and Training Program Fund ("Funds") have judgment against defendant First Choice Construction Services, Inc. in the liquidated amount of \$116,262.80 for

delinquent fringe benefit contributions, dues checkoffs and Political Action Committee ("PAC") contributions, plus interest, liquidated damages, reasonable attorneys' fees and costs; and it is

ORDERED AND DECREED, that defendant First Choice Construction Services, Inc. permit and cooperate in the conduct of an audit of its books and records including, but not limited to, all payrolls and payroll sheets, payroll ledgers, computer payroll printouts, daily time records, job location records, Federal tax forms W2, W3, 940, 941, 1096, 1099, 1120s/1120S, 1065 or 1040 Schedule C, State payroll tax forms WRS-2 or NYS-45 (NY) and WR30 (NJ), cash disbursement journals, purchase journals, New York and New Jersey employment records and reports, insurance company reports, supporting checks, general ledgers, ledgers, vouchers, verification of work outside the geographic jurisdiction of the Mason Tenders District Council of Greater New York ("Union"), evidence of unemployment insurance contributions, disability insurance premiums, certification of workers compensation coverage, and any other items concerning payroll, as well as the same records of any affiliate, subsidiary, alter ego, joint venture or other related company of defendant doing bargaining unit work, for the period January 1, 2005 through November 30, 2007, by representatives of the Funds, within thirty (30) days after service of a copy of this judgment, pursuant to the Collective Bargaining Agreement between defendant and the Union and the Funds' trust agreements, for the purpose of ascertaining and verifying the amount of additional fringe benefit contributions, dues checkoffs and PAC contributions, if any, due and owing to plaintiffs; and it is

ORDERED AND ADJUDGED, that plaintiffs may amend this judgment to include the additional amounts determined to be due and owing by the aforesaid audit of defendant's books and records, together with any additional interest and liquidated damages due, audit costs, and further attorneys' fees and costs upon fifteen (15) days written notice to defendant First Choice Construction Services, Inc.

Dated: New York, New York
 2008


 Hon. Victor Marreo,
 United States District Judge